

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JEFF RUSSELL TRAXTLE,

Plaintiff,

v.

SHERRI HOLMAN, et al.,

Defendants.

Civ. No. 11-6142-TC

ORDER

Aiken, Chief Judge:

Magistrate Judge Coffin issued Findings and Recommendation in the above-captioned action, recommending that this case be dismissed because it was filed beyond the two-year statute of limitations applicable to cases brought under 42 U.S.C. § 1983. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).


When either party objects to any portion of a magistrate

judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error and adopt the analysis contained in Magistrate Judge Coffin's opinion. Regardless of how plaintiff's claim is characterized, he failed to file suit within two years after his claim accrued.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 13) filed August 11, 2011, is ADOPTED in its entirety. Defendants' Motion to Dismiss (doc. 8) is GRANTED and this case is dismissed with prejudice.

IT IS SO ORDERED.

Dated this 4 day of January, 2012.



Ann Aiken
United States District Judge